

of the last session, in relation to the debts of the States, be printed—ayes 57, noes 88.

After some other unimportant business, the House adjourned.

THURSDAY, Dec. 8th, 1842. IN SENATE.

Mr. Tuckson was chosen Chaplain.
BANKRUPT ACT.—Mr. Benton, agreeably to notice given, introduced a bill to repeal the Bankrupt act, which was read as follows:

Whereas the bankrupt of 1841 is unconstitutional and immoral, and violates the rights of the States and individuals, and is invalid and void, and not to be permitted to remain on the statute-book; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed on the 19th day of August, 1841, entitled "An act to establish a uniform system of bankruptcy throughout the United States," be, and the same hereby is, repealed, except for the trial of cases now depending under said act; which cases may be prosecuted to termination under the following limitations and conditions, to wit:

First. That no discharge from his debts shall be granted to any bankrupt, except with the consent of two-thirds of his creditors; and upon the judicial certificate of his integrity, as provided in the 36th section of the bankrupt act of April 4, 1800, which is as follows:

"That no person becoming a bankrupt, according to the intent and provisions of this act, shall be entitled to a certificate of discharge, or to any of the benefits of the act, unless the commissioners shall certify, under their hands, to the judge of the district within which such commission issues, that such bankrupt hath made a full discovery of his estate and effects, and in all things conformed him or herself to the directions of this act; and there doth not appear to them any reason to doubt of the truth of such discovery, or that the same was not a full discovery of the said bankrupt's estate and effects; or unless the said judge should be of opinion that the said certificate was unreasonably denied by the commissioners; and unless two-thirds, in number and in value, of the creditors of the bankrupt, who shall be creditors for not less than fifty dollars, respectively, and who shall have duly proved their debts, and who the said commission shall sign such certificate to the judge, and testify their consent to the allowance of a certificate of discharge, in pursuance of this act; which signing and consent shall be also certified by the commissioners; but the said commissioners shall not certify the same till they have proof, by affidavit or information, in writing, of such creditors, or of the persons respectively authorized for that purpose, signing the said certificate; with an affidavit or affirmation, together with the letter or power of attorney to sign, shall be filed before the judge of the district within which such commission issues, in order for the showing the certificate of discharge; and the said certificate shall not be allowed, unless the bankrupt make oath or affirmation, in writing, that the certificate of the commissioners, and consent of the creditors thereunto, were obtained fairly and without fraud; and any of the creditors of the said bankrupt are allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making or showing of such certificates by the commissioners or judge."

Secondly. That the insolvent laws of the States be respected and left in force, to the same degree that they were ordered to be respected by the 61st section of the act of 1800; which section is in the following words:

"That this act shall not repeal, or annul, or be construed to repeal or annul, the laws of any State now in force, or which may hereafter be enacted, for the relief of insolvent debtors, except so far as the same may respect persons who are, or may be, clearly within the purview of this act, and whose debts shall amount, in the cases specified in the second section thereof, to the sum therein mentioned. And if any persons within the purview of this act shall be imprisoned for the space of three months for any debt or upon any contract, unless the creditors of such prisoner shall proceed to prove a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may, and shall be, entitled to relief under any such laws for the relief of insolvent debtors; this act in no wise intending."

Thirdly. That the liens created by State laws on the property of bankrupts be respected and observed in the same full and absolute manner in which they were ordered to be respected and observed by the 61st section of the said act of 1800; which section is in the following words:

"That nothing contained in this act shall be taken or construed to invalidate or impair any lien existing at the date of this act on the lands or chattels of any person who may become bankrupt."

Fourthly. That a person subject to involuntary bankruptcy shall not have the privilege of voluntary bankruptcy; but, on filing a declaration of insolvency, shall be subject to be proceeded against at the will of his creditors, according to the principles of the 6th section of the bankrupt act of George IV, and the 13th section of the insolvent debtors act of the same reign.

Fifthly. That the operation of the act be prospective only, according to the 1st section of the bankrupt act of the year 1800.

Sixthly. That agreements on the part of bankrupts to assign a part of their salaries and emoluments to their creditors, be binding in law and give the creditors a right to have the same rendered or their benefit.

On motion of Mr. Benton, the bill was then ordered to be printed, and read a second time.

EXPUNGING RESOLUTIONS.—Mr. Bayard introduced a series of resolutions to rescind the resolutions of 16th January, 1837, commonly called the "Expunging resolutions."

JUDGES OF U. STATES.—Mr. Tappan gave notice of a resolution proposing to amend the Constitution of the U. States in relation to the appointment of Judges of U. S. Courts.

The Senate then adjourned till Monday following.

IN THE HOUSE.

ABOLITION.—The resolutions of Mr. Adams to rescind the 21st rule came up; the question was taken on ordering the main question, and decided in the negative; yeas 95, nays 100.

The House then adjourned till Monday following.

DIED.

On Friday the 10th instant, Mrs. SARAH W. CHEATHAM, consort of John H. Cheatham, leaving three children and numerous friends to mourn her loss.

Marshall's Sale.

U. S. Circuit Court to May Term, 1843.

A. Demaree, vs. James Adams. Fi. Fa.

By virtue of the above stated writ of Fi. Fa. to May term, 1843, to me directed from the honorable Circuit Court of the United States for the Southern District of Mississippi, I will sell at public auction, to the highest bidder, for cash, on the second Monday,

The 9th day of January, 1843, within the hours prescribed by law, before the court house door, in the town of Canton, the following described property, viz: Levi and Annis and their four children, Henry, Caroline, Thomas and John; OUDICK and Cherry and their child Winn; Young Dick and Sharott; Sam and Viny; Peter, Bill; Betsy; Little Mary; B. Mary and child Robinson; Perry and Jack—21 negro slaves.

Levied on as the property of defendant James Adams, and will be sold to satisfy the above stated case and all costs.

A. MILLER, Marshal, For the Southern District of Mississippi. By J. S. Gooch, Deputy. December 23, 1842. 15-3

STATE OF MISSISSIPPI.

MADISON COUNTY.

Circuit Court, November Term, 1842.

Henry Toler, vs. Peter D. Hilzheim, An attachment to Nov. Term 1842 To Nov. Term 1842 To Nov. Term 1842 To Nov. Term 1842

ON this 2nd day of December, A. D. 1842, came the attachment in this case having been returned duly executed, and the said defendant failing to appear and give special bail and plead herein. It is therefore ordered by the court, that unless the defendant do appear here on or before the first day of the next term of this court (being the first Monday of May 1843), and give special bail and plead herein, judgment final by default will be rendered against him and the estate attached be sold, to satisfy plaintiff's debt, damages and costs; It is further ordered by the court, that a copy of this order, together with a specification of the cause of action, and amount due from defendant to plaintiff, be published in the "Independent Democrat," a newspaper published in the town of Canton, Madison county, State of Mississippi, once a week for four weeks successively, and that all further proceedings herein be stayed until the next term of this court.

A true copy from the minutes of said court.

Attest: WM. MONTGOMERY, Clerk. Drano P. Q. dec 22 1842 15-4

IN BANKRUPTCY.

District Court of the United States for the Southern District of Mississippi.

In Bankruptcy. No. 655.

In the matter of the petition of Balaam Green, of Holmes county, Mississippi, to be declared a bankrupt, and to be discharged from his debts.

NOTICE is hereby given that BALAAM GREEN, of Holmes county, Mississippi, has filed his petition in this court to be declared a bankrupt, and to be discharged from his debts under the act of Congress in such case made and provided; and that an order has been duly entered in this court appointing the

20th day of February next,

at the court room in the city of Jackson, in the county of Hinds, in this district, as the time and place for hearing of said petition. All persons may then and there appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

WM. BURNS, Clerk. Dec. 23d, 1842.—15. pr. fee 5 ds.

District Court of the United States for the Southern District of Mississippi.

In Bankruptcy. No. 657.

In the matter of the petition of David F. Tidwell, of Madison county, Mississippi, to be declared a bankrupt, and to be discharged from his debts.

NOTICE is hereby given that DAVID

F. TIDWELL, of Madison county, Mississippi, has filed his petition in this court to be declared a bankrupt, and to be discharged from his debts under the act of Congress in such case made and provided; and that an order has been duly entered in this court appointing the

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WM. BURNS, Clerk. Dec. 23, 1842.—15. pr. fee 5 ds.

District Court of the United States for the Southern District of Mississippi.

In Bankruptcy. No. 573.

In the matter of the petition of David Beatty, of Holmes county, Mississippi, to be declared a bankrupt, and to be discharged from his debts.

NOTICE is hereby given that DAVID BEATTY, of Holmes county, Mississippi, has filed his petition in this court to be declared a bankrupt, and to be discharged from his debts under the act of Congress in such case made and provided; and that an order has been duly entered in this court appointing the

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